

#### THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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April 8, 2004

Abdul Abbasi, Physician 237 Travis Avenue Elmont, New York 11003

Re: Application for Restoration

Dear Dr Abbasi:

Enclosed please find the Commissioner's Order regarding Case No. CP-04-01 which is in reference to Calendar No. 16585. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher Director of Investigations

Gustave Martine Supervisor

cc:

Nathan L. Dembin, Esq.

Nathan L. Dembin & Associates, P.C.

225 Broadway - Suite 1400 New York, New York 10007 APR 1 2 2004

OFFICE OF PROFESSIONAL MEDICAL CONDUCT



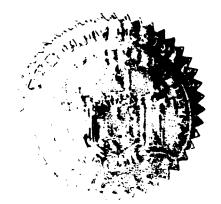
of the

Application of ABDUL ABBASI for restoration of his license to practice as a physician in the State of New York.

Case No. CP-04-01

It appearing that the license of ABDUL ABBASI, 237 Travis Avenue, Elmont, New York 11003, to practice as a physician in the State of New York, was revoked by the Administrative Review Board for Professional Medical Conduct, effective on or about November 14, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on February 23, 2004, it is hereby

ORDERED that the petition for restoration of License No. 183025, authorizing ABDUL ABBASI to practice as a physician in the State of New York, is restored.



IN WITNESS WHEREOF, I, Richard P. Mills, Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this day of March, 2004.

Emmissioner of Education

#### Case No. CP-04-01

It appearing that the license of ABDUL ABBASI, 237 Travis Avenue, Elmont, New York 11003, to practice as a physician in the State of New York, was revoked by the Administrative Review Board for Professional Medical Conduct, effective on or about November 14, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions. now, pursuant to action taken by the Board of Regents on February 23, 2004, it was

VOTED that the petition for restoration of License No. 183025, authorizing ABDUL ABBASI to practice as a physician in the State of New York, be restored.

## THE UNIVERSITY OF THE STATE OF NEW YORK The State Education Department

### Report of the Committee on the Professions Application for Restoration of Physician License

#### Re: Abdul Abbasi

Attorney: Nathan Dembin

Abdul Abbasi, 237 Travis Avenue, Elmont, New York 11003, petitioned for restoration of his physician license. The chronology of events is as follows:

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**	07/11/90	Issued license number 183025 to practice as a physician in New York State.
	09/24/92	Convicted in Supreme Court of the State of New York, County of Bronx, of Grand Larceny in the Third Degree, a Class D felony, and with Offering a False Instrument for Filing in the First Degree, a Class E felony.
	3/17/94	Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
	08/08/94	Hearing Committee of the State Board for Professional Medical Conduct recommended three-year suspension, two years stayed, and probation.
	10/24/94	Administrative Review Board of Department of Health voted revocation.
	12/0 <b>4/95</b>	Application for restoration submitted.
	10/03/97	Peer Committee restoration review.
	06/17/98	Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
	09/08/98	Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")
	01/26/99	Withdrew application for restoration of physician license.

01/05/04	Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")
09/18/03	Committee on the Professions restoration rev
05/23/03	Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
07/10/02	Peer Committee restoration review.
02/01/00	Second application for restoration submitted.

Disciplinary History. (See attached "Determination and Order" of the Hearing Committee and "Administrative Review Board Decision and Order Number ARB No. 94-131.") On September 24, 1992, Dr. Abbasi was convicted in Supreme Court of the State of New York, County of Bronx, of Grand Larceny in the Third Degree, a Class D felony, and with Offering a False Instrument for Filing in the First Degree, a Class E felony. The convictions arose from charges that Dr. Abbasi submitted, or caused to be submitted, Medicaid claims which resulted in the Soundview Medical Building and BZM Realty receiving over \$3,000 in Medicaid reimbursement for services to which it was not entitled and in which Dr. Abbasi shared. He was sentenced to incarceration for one year and ordered to pay a penalty of \$75,000.

Based on Dr. Abbasi's convictions, the Department of Health charged him with professional misconduct on March 17, 1994. A Hearing Committee of the State Board for Professional Medical Conduct found Dr. Abbasi guilty and suspended his license to practice as a physician for three years, two years stayed, and placed him on probation. Both Dr. Abbasi and the Office of Professional Medical Conduct requested a review of the Hearing Committee's determination by an Administrative Review Board for Professional Medical Conduct. The Review Board sustained the Hearing Committee's determination on guilt but overruled the Hearing Committee's determination on penalty and voted to revoke Dr. Abbasi's physician license. On October 24, 1994, the revocation order was served.

On December 4, 1995, Dr. Abbasi submitted his first application for restoration of his physician license. In its report dated June 17, 1998, a Peer Committee (Lopez; Boyce; Cordice, Jr.) recommended unanimously that Dr. Abbasi's application for restoration be denied. Subsequent to its meeting with him on September 8, 1998, the Committee on the Professions (Duncan-Poitier, Aheam, Munoz) also recommended unanimously that his application for restoration be denied. After receiving a draft copy of the Committee's report, Dr. Abbasi withdrew his application for restoration on January 26, 1999. He was notified at that time that he would have to wait at least one year before reapplying for restoration. On February 1, 2000, Dr. Abbasi submitted his second application for restoration.

Recommendation of the Peer Committee. (See attached "Report of the Peer Committee.") The Peer Committee (Norris, Gitman, Salom) met with Dr. Abbasi on July

10, 2002 to review his application. In its report, dated May 23, 2003, the Committee voted unanimously to recommend that his physician license be restored.

Recommendation of the Committee on the Professions. On September 18, 2003, the Committee on the Professions (Ahearn, Tempieman, Munoz) met with Dr. Abbasi to review his application for restoration. Nathan Dembin, Esq., his attorney, accompanied him. Dr. Abbasi presented the Committee with documentation of additional continuing medical education activities completed in 2002.

The Committee asked Dr. Abbasi to explain why he lost his license. He replied that he participated in a crime. He explained that he rented office space to two doctors who conspired to defraud Medicaid. He said, "I accept responsibility. I was a part of it. I knew they were filing false claims. I knew it was wrong." Dr. Abbasi indicated that he was responsible for not taking action since he owned the building and became aware of the two doctors' fraudulent billings. He stated, "If you're there, you are a part of it." He told the Committee that at that time he was not really strong enough to take the necessary steps to stop the fraud. He explained that when the misconduct occurred, he was young and still a resident and not yet licensed as a physician. In retrospect, Dr. Abbasi said that he realizes his motivation for not doing anything to stop the illegal activity at the time was greed. He said that he "deceived" himself into thinking that his nonaction was acceptable.

The Committee asked Dr. Abbasi what financial benefits he received from the fraudulent billings. He replied that he received the rent income and also five percent of their total income. Dr. Abbasi said that, at the beginning, he did not know what his two tenants were doing. He indicated that he received some complaints from people in the neighborhood and visited the physicians' offices to investigate. He said that technicians in those offices revealed the scheme but he did not report the fraudulent activities to anyone. Instead, once he became aware of the illegal billings, Dr. Abbasi said he asked the doctors for a larger percentage of their income. He indicated that his misconduct occurred for about three months.

The Committee noted that the previous Committee on the Professions was not convinced that Dr. Abbasi warranted restoration of his license. The Committee asked him to explain what he felt was now different about himself and his experiences. Dr. Abbasi replied that it has been 15 years since the misconduct occurred. He said that he is now more mature and morally strong. He told the Committee that he was punished and believes he is rehabilitated. He said that he has grown and is now a family man with four children. He stated that he now has a strong value system and insight into the causes of his misconduct. Dr. Abbasi indicated that he deceived himself, his profession and his family and stated that he would never place himself in that position again. He reported that he tells his friends that the extra money he gained from the misconduct was not worth the punishment and humiliation he had to endure. He said, "I am much wiser now."

The Committee asked Dr. Abbasi about the origin of his current wisdom. He replied that it came from his experiences, a one-semester course in ethics, his better understanding of the responsibilities of a physician, his better understanding of the importance of honesty, and his better understanding of his responsibilities as a

physician to patients and the community. Dr. Abbasi indicated that his community service activities also had a significant impact as he realizes he "stole money from the poor." He reported that he has had many discussions with colleagues regarding the moral responsibilities of a physician. He indicated that ethics was not emphasized in medical school education in Pakistan.

Dr. Abbasi said that he has been working in Saudia Arabia as a cardiologist in a hospital so that he could remain current in his profession and help support his family. He reported that the hospital recently promoted him to serve as the Head of the Catherization Laboratory and is aware that he lost his license in New York. Dr. Abbasi indicated that it is his goal to practice once again in New York State with honesty and integrity. He said, "I want to pay back the poor people from whom I stole."

Mr. Dembin explained that Dr. Abbasi cooperated with the authorities and emphasized that the cooperation was not in exchange for a plea bargain as Dr. Abbasi had already been convicted. Mr. Dembin stated that Dr. Abbasi's cooperation showed his rehabilitation efforts and his commitment to law enforcement. The Committee asked Dr. Abbasi why he cooperated with the authorities. He replied, "I realized it was wrong. Morally, inside, I was feeling guilty. I didn't want others to be able to do it." He reported that he voluntarily went many, many times to speak with the authorities. The Committee noted that earlier Dr. Abbasi had denied being an active participant and asked what information he had for the prosecutor. Dr. Abbasi replied that initially he deceived himself into believing that he was not involved because his signature was not on any forms. Consequently, he indicated that at that time he felt he didn't have to say anything. He said that even though he did not sign his name on any Medicaid claim forms, he was still considered to be part of the conspiracy. However, Dr. Abbasi said that he subsequently realized that the fraud was wrong and that was why he gave the authorities the names of the doctors and staff involved. He reported that one of these persons admitted guilt.

Dr. Abbasi asked the Committee to give him one more chance to practice medicine in New York State. He said that he wants the opportunity to help the community and pay back society. He stated, "I really feel guilty." Dr. Abbasi told the Committee that he cries when he asks himself "Why did I do this?" He said that he is truly sorry for what he did and wants the opportunity to show the community and his profession that he can be trusted again.

The overarching concern in all restoration cases is public protection. Education Law §6511 gives the Board of Regents discretionary authority to make the final decision regarding applications for the restoration of a license to practice as a physician in New York State. 8NYCRR §24.7(2) charges the Committee on the Professions (COP) with submitting a recommendation to the Board of Regents on restoration applications. Although not mandated in law or regulation, the Board of Regents has instituted a process whereby a Peer Committee first meets with an applicant for restoration and provides a recommendation to the COP. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that there is a compelling reason that licensure should be granted in the face of misconduct so serious that it resulted in the loss of licensure. There must be clear and convincing evidence that the petitioner is fit to practice safely, that the misconduct will not recur, and that the root

causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the COP to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a recommendation based upon the entire record.

The COP concurs with the conclusion of the Peer Committee that Dr. Abbasi has made a compelling case for the restoration of his license at this time. As the Peer Committee noted, Dr. Abbasi has made an "exemplary effort at reeducation and rehabilitation" and is "truly remorseful for his misconduct." In 1998, the COP (composed of two of the three members of the instant COP) believed that Dr. Abbasi failed to demonstrate that rehabilitation had occurred and did not accept responsibility for his actions. That COP also questioned his honesty and openness by not disclosing to the hospital in Canada where he was doing a fellowship that his license was revoked in New York State. However, that evidence is, indeed, present in the person of the applicant today. The two members of the COP who were also on the 1998 COP believe that Dr. Abbasi has transformed his life. He has matured and grown and accepted full responsibility for the conduct that resulted in the loss of his license. Dr. Abbasi clearly articulated the root causes of his misconduct and explained that he cooperated with the authorities as he knew the fraudulent billings of his tenants were wrong and he wanted to help make certain that further community members were not harmed. Dr. Abbasi clearly demonstrated that he fully understands the severity of his misconduct. His remorse was evident. Dr. Abbasi completed a specialized ethics course at the University of Maryland School of Medicine and was able to relate how he has gained a deeper understanding of ethical considerations for application in his daily and professional life. Dr. Abbasi has been practicing medicine in Saudia Arabia and continues his medical education activities. He was honest and open with the hospital in Saudia Arabia by informing management of the revocation of his license in New York State. The COP finds that Dr. Abbasi now presents a very compelling case for restoration of his physician license.

Therefore, after a careful review of the record and its meeting with him, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee to restore Dr. Abbasi's license to practice as a physician in New York State.

Kathy Aheam, Chair

Leslie Templeman

Frank Munoz



### The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT OFFICE OF PROFESSIONAL RESPONSIBILITY STATE BOARD FOR MEDICINE JUN 1 6 2003
COMMITTEE CAR THE PROFESSIONS

In the Matter of the Application of

#### ABDUL ABBASI

REPORT OF
THE PEER
COMMITTEE
CAL. NO. 19041

for the restoration of his license to practice as a physician in the State of New York.

Applicant was authorized to practice as a physician in the State of New York by the New York State Education Department.

### PRIOR DISCIPLINARY PROCEEDING

On September 24, 1992 applicant was convicted in the Supreme Court of the State of New York, County of Bronx, of Grand Larceny in the Third Degree, a Class D felony, and with Offering a False Instrument for Filing in the First Degree, a Class E felony. The Conviction arose from charges that applicant submitted of caused to be submitted Medicaid claims which resulted in the Soundview Medical Building and BZM Realty receiving Medicaid reimbursement for services to which it was not entitled and in which applicant shared. He was sentenced to incarceration for one year and

ordered to pay a penalty of \$75,000.

Based on applicant's conviction of committing a crime under New York State law, the Department of Health charged applicant with professional misconduct on March 17, 1994. A Hearing Committee of the State Board for Professional Medical Conduct found applicant guilty of the charge of professional misconduct and determined that his license to practice as a physician should be suspended for three years, two years stayed, and that he be applicant placed on probation. Both and the Professional Medical Conduct requested a review of the Hearing Committee's determination by an Administrative Review Board for Professional Medical Conduct. The Review Board sustained the Hearing Committee's determination of applicant's guilt overruled the Hearing Committee's determination of penalty and voted to revoke applicant's license. On October 24, 1994, the revocation order was served.

#### APPLICATION

On February 1, 2000 applicant petitioned for the restoration of his license to practice as a physician in the State of New York.

The application states in part that after his conviction applicant worked with the Office of the Special Prosecutor for Medicaid Fraud Control supplying information that led to the investigation, prosecution and conviction of many involved in fraudulent activity.

The application states that Mr. Richard Harrow, a seasoned and experienced prosecutor with the Medicaid program, as well as the individual most familiar with the wrongdoings of applicant has expressed great support for the restoration of applicant's license. Mr. Harrow has specifically stated that he has "had the opportunity to speak with Dr. Abbasi at length since his conviction and I believe he is sincerely remorseful for his crimes... if Dr. Abbasi was able to practice medicine, I would view it as an opportunity for him to give something back to society. It is my personal opinion that he should get a second chance".

The application further states that applicant enrolled in a specialized ethics course with Dr. Timothy J. Keay, an Associate Professor and Course Master in medical ethics at the University of Maryland School of Medicine. Dr. Keay is also Co-Director of the Ethics Center at the University of Maryland at Baltimore. The course work included readings from Principles of Biomedical Ethics, Current Opinions of the Council on Ethical and Judicial Affairs, and Lying; Moral Choices in Public and Private Life, and one on one sessions with Dr. Keay. A multiple-choice examination and essay were required in which Dr. Abbasi received a passing grade.

The application also states that applicant has sought to continue his medical education throughout this period of revocation, not only through his completion of fellowship programs, but by attending many continuing medical education

seminars and courses. A total of 276 credits were earned over the past six years. Applicant has also had the opportunity to lecture at such courses.

#### INVESTIGATIVE INTERVIEW

Applicant, accompanied by his attorney, was interviewed on August 23, 2000 in connection with his current application. Applicant stated that he had withdrawn a prior application when it was before the Committee on the Professions because he "wasn't represented by counsel at that stage of the initial petition" and felt "uncomfortable" with what had transpired. He said he wanted to "do it properly" which he felt had not happened.

Applicant was then questioned about what had changed since then. Applicant said he feels "sincerely remorseful every day" for the underlying misconduct that had led to revocation. Applicant said he now realizes that he "is responsible, not anyone else". Applicant added that he was "not mature" and had been "pressured by circumstances" at that earlier time. Applicant said he is involved in "paying back the poor community" by his involvement with the New York Cares Volunteer Program, assisting elderly clients thereof with their meals and other daily tasks. Applicant said he has completed twenty hours service there.

Applicant stated that he had lived in New York during the term of his training and has many friends here. His wife and children, who reside in Elmont, New York, would like very much

for the whole family to live in New York. He said he "feels comfortable here." However, applicant is now employed as a Cardiology Consultant by a "government hospital" in Taif, Saudi Arabia. (Interview took place during a three-week visit back to examinations, said he does Applicant this Country). echocardiograms, and angioplasties there. He said he is also involved with their outpatient clinic. According to applicant, this work keeps him current in the profession. Applicant submitted certificates documenting four recent seminars attended abroad. These are in addition to other meetings documented in the petition. Applicant subscribes to the Journal of the American College of Cardiology and is an Affiliate Member thereof.

#### PEER PANEL REVIEW

On July 10, 2002 this Peer Panel met to review the application in this matter. Applicant appeared and was represented by Nathan Dembin, Esq. The Department was represented by Stephen Lazzaro, Esq.

The Chairperson opened the meeting by stating that the Peer Panel had read the full application and supporting documentation before the meeting.

Mr. Dembin and Mr. Lazzaro then made opening statements.

Applicant then spoke to the Panel. He repeated much of what is in the application and what was said in the investigative interview. He said the misconduct that led to his conviction and the revocation of his license actually took place in 1987 before

he was licensed. He said that this misconduct took place over a four to five month period and that he closed down the practice on his own initiative before he knew of any investigation. He went on to say that he has paid the \$75,000 penalty in full.

Applicant said that he has not done anything unethical in the fifteen years since the misconduct that caused the revocation of his medical license.

He said that he would never again do anything of an unethical nature partly because he would never let his family down.

Upon questioning by Mr. Lazzaro applicant stated that he now takes full responsibility for what took place regarding the Medicaid fraud in 1987.

Applicant also stated that he still believes that revocation of his license was too harsh of a penalty for the misconduct in question.

Dr. Sanjiv Singla was then called as a witness for applicant. He stated that he has known applicant since 1994 when they met during Dr. Singla's residency at Harlem Hospital. He said that he found applicant to be knowledgeable, helpful and generally well regarded by the staff at Harlem Hospital.

Dr. Singla said he believes applicant is truly remorseful for his misconduct and he does not believe applicant will get involved with misconduct again.

The parties then made closing statements. Mr. Lazzaro closed

by saying that he opposed the restoration of applicant's license because he does not believe that applicant has presented a compelling case for restoration.

Mr. Dembin closed by saying, in part, applicant presented compelling evidence that he would never do anything remotely unethical again. He pointed out that it has been fifteen years since the misconduct in this matter. He noted that the Medicaid prosecutor in this matter recommended that applicant be given a second chance. So had many other prominent persons in the profession.

#### RECOMMENDATION

We unanimously recommend that the application herein be granted and that the revocation of applicant's license to practice medicine in the State of New York be stayed. Applicant has made an exemplary effort at reeducation and rehabilitation. It had been fifteen years since the misconduct in this matter. Since then applicant has gone through his residency program and a fellowship program with no problems whatsoever. He has engaged in extensive continuing medical education. He has been working as a physician in Saudi Arabia for years.

We further believe applicant to be truly remorseful for his misconduct. We believe he was honest and straightforward before us. He underwent impressive ethical training successfully. Applicant assisted the Medicaid Fraud program extensively. We do not believe that it should count against applicant that he

believes revocation of his license in this matter was too harsh a penalty.

We are convinced that applicant has presented a compelling case before us and we strongly recommend restoration of license in this matter.

Respectfully submitted,

JAMES E.C. NORRIS, Chairperson

PAUL A. GITMAN, MD

IRA L. SALOM, MD

Chairperson

Date

Case number 99-27-60 September 8, 1998

## THE UNIVERSITY OF THE STATE OF NEW YORK The State Education Department

Report of the Committee on the Professions Application for Restoration of Physician License

Re: Abdul Abbasi

Attorney: Not represented by counsel

Abdut Abbasi, 6702 Etienne Bouchard, Montreal HIM 3A8, Canada, petitioned for restoration of his physician license. The chronology of events is as follows:

07/11/90	Issued license number 183025 to practice as a physician in New York State.
0 <i>9/24/</i> 92	Convicted in Supreme Court of the State of New York, County of Bronx, of Grand Larceny in the Third Degree, a Class D felony, and with Offering a False Instrument for Filing in the First Degree, a Class E felony.
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08/08/94	Hearing Committee of State Board for Professional Medical Conduct recommended three-year suspension, two years stayed, and probation.
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12/04/95	Petition for restoration submitted.
10/ <b>03/97</b>	Peer Committee restoration review.
06/17//98	Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
09/08/98	Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached "Determination and Order" of the Hearing Committee and "Administrative Review Board Decision and Order Number ARB No. 94-131.") On September 24, 1992, Dr. Abbasi was convicted in Supreme Court of the State of New York, County of Bronx, of Grand Larceny in the Third Degree, a Class D felony, and with Offering a False Instrument for Filing in the First Degree, a Class E felony. The conviction arose from charges that Dr. Abbasi submitted or caused to be submitted Medicaid claims which resulted in the Soundview Medical Building and BZM Realty receiving in excess of \$3,000 in Medicaid reimbursement for services to which it was not entitled and in which Dr. Abbasi shared. He was sentenced to incarceration for one year and ordered to pay a penalty of \$75,000.

Based on Dr. Abbasi's conviction of committing a crime under New York State law, the Department of Health charged him with professional misconduct on March 17, 1994. A Hearing Committee of the State Board for Professional Medical Conduct found Dr. Abbasi guilty of the charge of professional misconduct and determined that his license to practice as a physician should be suspended for three years, two years stayed, and that he be placed on probation. Both Dr. Abbasi and the Office of Professional Medical Conduct requested a review of the Hearing Committee's determination by an Administrative Review Board for Professional Medical Conduct. The Review Board sustained the Hearing Committee's determination of Dr. Abbasi's guilt but overruled the Hearing Committee's determination of penalty and voted to revoke Dr. Abbasi's physician license. On October 24, 1994, the revocation order was served. On December 4, 1995, Dr. Abbasi submitted a petition for restoration of his physician license.

Recommendation of the Peer Committee. The Peer Committee (Lopez, Boyce, Cordice, Jr.) met on October 3, 1997. In its report dated June 17, 1998, the Committee recommended unanimously that Dr. Abbasi's petition for restoration of his license to practice as a physician in the State of New York be denied.

Recommendation of the Committee on the Professions. On September 8, 1998, the Committee on the Professions (Duncan-Poitier, Aheam, Muñoz) met with Dr. Abdul Abbasi to consider his petition for restoration of his physician license. An attorney did not accompany him. Dr. Abbasi presented the Committee with letters of recommendation from Dr. Eric J. Vanderbush, Chief, Division of Cardiology, Harlem Hospital Center, and from Dr. Jean-Francois Tanguay, Intervention Cardiology, Montreal Heart Institute. Additionally, he submitted a copy of a letter informing him that he had been accepted as a fellow in interventional cardiology for a period of one year starting in January 1998 at the Institut de Cardiologie de Montréal and two pages from the Information Booklet for 1998 Certification Examinations of the American Board of Internal Medicine describing eligibility requirements.

The Committee asked Dr. Abbasi to explain why he lost his license. He responded that it happened 11 years ago, that he was "really guilty for this one," and that he was "really remorseful" and "would never do it again." He said, "Have mercy on

me." He told the Committee that since that time he has been following all rules and regulations and has "not even received a speeding ticket."

The Committee asked Dr. Abbasi to focus on the misconduct that led to the loss of his license. He responded that the misconduct occurred in 1987 when he did not yet have a license to practice medicine in this State and was engaged in a three-year residency that he completed in June 1990. He reported that he became licensed on July 11, 1990. Dr. Abbasi said that he was only the landlord, the leaseholder, for the Soundview Medical Building and was not practicing there. He indicated that he furnished the offices, paid for the secretary, and planned to start his practice there once he became licensed. He said that for the first two months he did not know that the two doctors and radiation technologist renting the office were improperly billing Medicaid. Dr. Abbasi stated that a complaint came to him from a person in the neighborhood, informing him that the patient quality at the medical building was not good, that "junkie patients are coming here." He said that the people in the neighborhood knew that he was the landlord. Dr. Abbasi told the Committee that he visited the offices and discovered that the physicians were submitting false Medicaid claims, but he did not report them as he was just beginning his residency and was very busy. He said that he did not personally submit any of the forms to Medicaid and closed the office after about five months. The Committee asked if he closed the office because he knew of the illegal billings. Dr. Abbasi responded that he did not close the office due to the fraudulent activity, but because the two physicians disappeared. He indicated that the physicians probably knew that investigations of Medicaid fraud were occurring in the area and he assumed they left to avoid possible prosecution. The Committee asked why he was convicted if he was only the landlord. He responded that in addition to the rent he received a five-percent commission from the physicians based upon the money they made, including income earned from the Medicaid fraud. Dr. Abbasi said that he made only one mistake and that he was convicted on the basis of false Medicaid claims for only \$3,000.

The Committee asked why the Court required restitution in the amount of \$75,000, if Dr. Abassi was responsible for only \$3,000 in false claims. Dr. Abbasi responded that the two doctors involved in the false claims left the area and could not be found. He stated that an audit determined that their medical office falsely billed for approximately \$75,000, and, as the only person remaining, the Court made him responsible for the full amount. Dr. Abbasi said that he felt the loss of his license was a severe punishment as the money he actually received was minimal and was received before he was licensed. The Committee pointed out to Dr. Abbasi that if he were not licensed, the misconduct would still have been considered as part of a moral character determination and he may not have initially received a license in New York State.

The Committee asked Dr. Abbasi for his reaction to the following statement contained in the letter from Anne Saile, Office of Professional Medical Conduct:

The original hearing before a panel of the Board for Professional Medical Conduct was a result of a criminal conviction following charges that he

supplied another physician defendant with phony sonograms, shared in illicit profits and stole over \$30,000 from Medicaid. In a decision by the Appellate Division of the Supreme Court on December 22, 1993, the court stated that "there was testimony about a meeting in which the defendant himself proposed the unlawful scheme." This elaborate scheme involved kickbacks paid by laboratories to owners of clinics including Dr. Abbasi.

He replied that he never proposed such a thing. Dr. Abbasi said that "the computer man caught the fraud" in Medicaid's records and testified against him, alleging, "I (Dr. Abbasi) proposed the scheme." He reported that the prosecutor's witnesses also included the secretary for Soundview, a "lady friend" of the secretary, and a friend of the owner and that they did not tell the truth. He stated, "I never signed any sonograms. They forged my signature. I never saw any patients." He told the Committee that he never should have opened the office. Dr. Abbasi said that he accepted the money because of greed and it was a "back door" way of having some extra money. He stated, "I'm a human being. It was a mistake that happened to me. They took me to the wrong person. Eventually, I became a part of it."

Dr. Abbasi told the Committee that he has completely changed. He said that after his arrest he cooperated fully with Mr. Harrow, the Special Assistant Attorney General prosecuting Medicaid fraud and was instrumental in having other physicians convicted. He referred to the letter written by Mr. Harrow confirming his cooperation. Dr. Abbasi reported that because of his cooperation, he received a shorter jail term. The Committee asked if he cooperated so that his eventual punishment could be minimized or if he really felt a need to stop the fraud by other doctors. He replied that he cooperated for both reasons. Dr. Abbasi said that the misconduct would never recur. He stated, "There is too much social pressure." He indicated that he is now a "doctor," is married, and has three children. He said that from 1987 through 1994 he was earning about \$30,000 each year and "money was not a problem." He stated, "I never went back to doing it again." He indicated that he worked in Saudi Arabia for awhile after losing his license in New York to pay off his debts. He said that he has been making payments toward his \$75,000 fine and still has about \$20,000 to pay off. Dr. Abbasi indicated that he was concerned because the total debt was to be paid by June 1999. He reported that he is now working under a fellowship in Canada and wants his license back so that he can obtain national board certification in cardiology. The Committee asked if he told the hospital in Canada that he lost his New York State license. He replied. "No. They never asked me." The Committee inquired if he understood the effects of the Medicaid fraud. Dr. Abbasi replied that he realized that money was being "stolen from the system." He said, "If they don't punish us, we will continue doing it."

Dr. Abbasi stated that he pays an honest tax to the government and wants to be able to provide for his family. He said that not giving him back his license was a "punishment to my profession" as he could work in underserved areas and was being prevented from taking the specialty boards. Regarding the Peer Committee's report, Dr. Abbasi said the testimony was mainly on the original misconduct and did not give

him the opportunity to show that he was really concerned about the community and was remorseful. He told the Committee that it has been "11 years of punishment for me."

After Dr. Abbasi returned to Canada, he inquired as to whether he could meet again with the Committee on the Professions because he did not feel he adequately answered some of the Committee's questions. The Committee voted unanimously against scheduling a second meeting with Dr. Abbasi, but informed him that he could submit additional information in writing that would be considered in their final determination. Dr. Abbasi submitted a two-page letter, dated October 17, 1998, explaining why he felt the Committee could be assured the misconduct would not recur and stating that he realized he made a mistake and was sincerely remorseful and completely rehabilitated. He also submitted verification of continuing education credits recently earned.

The overarching concern in all restoration cases is the protection of the public. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that licensure should be granted in the face of misconduct that resulted in the loss of licensure. There must be a clear preponderance of evidence that the misconduct will not recur and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner.

The Committee on the Professions (COP) concurs with the conclusion of the Peer Committee that Dr. Abbasi did not present compelling evidence for the restoration of his license and that he "has made only the most perfunctory of efforts in seeking restoration and that in the particular areas of remorse and rehabilitation said petition is particularly inadequate." The COP also agrees with the observation of the Department of Health that "In his petition, Dr Abbasi presents the same arguments which were presented at his criminal trial, at his disciplinary proceeding, to the Administrative Review Board on appeal, and to the court in his Article 78 action in which he sought review of the disciplinary finding of revocation. His arguments were rejected at every level and his attempt to revisit the argument at this time should also be rejected." The COP notes that Dr. Abbasi's responses to many of their questions differed from previous explanations. For example, he previously denied any knowledge of the Medicaid fraud but now says that he knew after a month or so. He told the COP that his motive was greed but throughout the restoration process stressed that his involvement was inadvertent as he was busy doing his residency and not really experienced in the business profession.

The COP concurs with the Peer Committee that Dr. Abbasi has failed to demonstrate that rehabilitation has occurred. His license has been revoked for four years and the COP believes that he has clearly not come to terms with the root causes of the misconduct and failed to demonstrate that he comprehended the consequences of his actions upon the public. Dr. Abbasi continued to stress the effects of the revocation on his life rather than upon others. The COP believes that Dr. Abbasi fails to understand the serious nature of his misconduct and is concerned that he stated, "If

they don't punish us, we will continue to doing it." The COP notes that Dr. Abbasi's intensive focus on punishment to him and his family has resulted in an inability for him to focus on how his misconduct harmed the public. Similarly, the COP is concerned, as was the Peer Committee, that Dr. Abbasi continues to minimize his participation in the misconduct and continues to stress that the misconduct occurred before he was licensed, although he was practicing in an internship. The Committee believes that had this misconduct been discovered and prosecuted before Dr. Abassi was licensed, his application for licensure would have been denied. Additionally, the Committee notes that Dr. Abbasi was not completely honest and open with the hospital in Canada in which he is currently doing a fellowship by not telling them that his license was revoked in this State because he said they "didn't ask."

Therefore, after its meeting with Dr. Abbasi and a complete review of the record, including the supplemental information submitted by him after the meeting, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee that Dr. Abbasi's petition for the restoration of his license to practice medicine in the State of New York be denied at this time.

Johanna Duncan-Poitier, Chair

Kathy Aheam

Frank Muñoz



# The University of the Tatent Ren Ports

NEW YORK STATE EDUCATION DEPARTMENT OFFICE OF PROFESSIONAL RESPONSIBILITY STATE BOARD FOR MEDICINE

In the Matter of the Petition of

#### ABDUL ABBASI

REPORT OF THE PEER COMMITTEE CAL. NO. 16585

for the restoration of his license to practice as a physician in the State of New York.

On July 11, 1990, hereinafter, ABDUL ABBASI, hereinafter petitioner, was authorized to practice as a physician in the State of New York by the New York State Education Department by the issuance to him of license No. 183025.

#### PRIOR DISCIPLINARY PROCEEDING

On September 24, 1992, the subject was convicted in the Supreme Court of the State of New York, County of Bronx of Grand Larceny, Third Degree, Class D Felony. The subject was also convicted of offering a false instrument for filing in the first degree, a Class E Felony, 17 counts. The indictment on which the convictions were based stated that the subject submitted or caused to be submitted Medicaid claims which falsely stated that Soundview Medical Building and BZM Realty had rendered radiological services to Medicaid patients. As a result,

Solndwiew Medical Building and BZM Realty received in every in \$3,000 in Medicald reimbursement for services to which it was entitled and which the subject shared. On September 24, 1992, the subject was sentenced to 18 concurrent definite terms of 1 year incarceration and Ordered to make restitution in the confidence \$75,

As per the determination and Order No. 94-131, the Hearing Committee unanimously voted to suspend the subject's license for 3 years with 2 years stayed and placed the subject on probation. The effective date of this Order was August 8, 1994. Committee noted that the subject testified at the hearing that he was merely the landlord for Soundview Medical Building and was not involved in their medical practice. The subject told the Committee that he had no knowledge that he was receiving rent which was elicited from fraudulent Medicaid claims. The subject testified that under the terms of the lease agreement, Soundview's rent was based on a percentage of its income. acknowledged that he should have paid closer attention to what was going on at the medical office that was situated in his building. The Committee concluded that the subject's role as landlord, his pending incarceration, and his obligation to pay the large fines were mitigating factors. The Committee also felt that the respondent had been punished enough and that revocation of the respondent's license was not warranted.

The Administrative Review Board for Professional Medical Conduct reviewed the Hearing Committee's determination and voted to sustain the Hearing Committee's findings that Dr. Abbasi was

guilty of professional misconduct. The Review Board onecologic the Hearing Committee and voted to revoke the subject's license to practice medicine in New York State. It was their opinion that this fraud occurred while the subject was a physician, even though the fraud did not rise from the subject's care of patients. The Board did not accept the respondent's excuse that he was unaware of the fraudulent scheme. The subject was convicted of 17 counts of offering a false instrument for filing. The Review Board contends that although the subject claimed to have been unaware of the Medicaid fraud, an essential element of filing a false instrument is knowledge that the instrument contained false statements. The Review board also points out that both the period incarceration and the large fine demonstrate that the sentencing court found the subject's crimes to be quite serious. The Review Board felt that the subject may not re-litigate his criminal conviction before the Hearing Committee by claiming that he was unaware of the fraudulent scheme.

#### THE PERITICAL

By written petition, dated December 4, 1995 petitioner sought the restoration of licensure to practice as a physician in the State of New York. Said petition stated:

We write this letter to urge the reinstatement of the license of the above-referenced physician. The facts set forth below reveal a unique set of facts and circumstances which warrant immediate reinstatement of Dr. Abbasi's license. A careful review of these facts and circumstances and petitioner's stellar qualifications and absolutely unblemished record as a physician, will result in a decision to immediately reinstate the license of this physician. Any additional length of exclusion longer than one year is unfair and unnecessary, to the public as well as the

physician. In this case, Dr. Audasi's Tinital role in a fraud which predated his licensure and his significant cooperation with the special prosecutor underscore the necessity for immediate reinstatement.

petitioner Abbasi is a board certified in internal medicine who completed a cardifellowship at Columbia University Harlem Hospimedical Center, in August of 1995, rendering him Board Eligible for his second board certification, this time in cardiology. Dr. Abbasi also completed a fellowship in critical care medicine at Albany Medical Center. Some of his research findings have been published in abstracts.

Petitioner is forty years old, married with two children. While petitioner was still a resident, and before the received his license to practice medicine, he decided to act as a landlord and rent space to two physicians and their staff, in the hope of creating a busy office which he could join upon finishing his training and receiving his license. The office was on 14th Street in Manhattan, near to Beth Israel Hospital, which petitioner hoped to become affiliated. Although petitioner signed a five year lease, his plan did not work out, and having nothing to do with the Medicaid fraud case, closed the doors in less than five months. The two doctors and their sonogram technicians who rented space were in fact charging Medicaid for fraudulent sonograms. Petitioner did not perform any sonograms and received no payments from Medicaid. However, petitioner did receive money in the form of rent in the amount of approximately \$5,000 and a \$10,000 payment from a doctor's assistant, after the discovered fraud was going on.

Petitioner was convicted and sentenced for his role in the offense to one year in jail, and restitution in the amount of \$75,000. Petitioner was remitted to work release, (at Harlem Hospital), a few months after starting his sentence (on May 2, 1994), and was fully released from supervision of any kind in December of 1994. Petitioner has made restitution of \$30,000.

In order to mitigate the damage petitioner caused to the Medicaid program, and in the hope of reducing his sentence, petitioner cooperated with the special prosecutor for Medicaid fraud. He met with attorneys Richard Harrow and Sally Everett, as well as investigators from their office, on a total of approximately a dozen occasions. Three of the persons

petitioner stands ready, willing and able to testify against them if they are found. One, however, was not a fugitive and was out on bail planning to go to trial when he pleaded guilty. Petitioner Abbasi was ready to testify against the defendant Ahamed, and the defendant Ahamed knew this, thus supporting the inference that petitioner's willingness to testify contributed to Ahamed's decision to plead guilty. Richard Harrow, one of the special prosecutor's with whom Dr. Abbasi worked, went on record favorably appraising petitioner's cooperation.

The fraudulent claims for which Dr. Abbasi was found responsible totals approximately \$75,000.00, \$30,000.00 of which Dr. Abbasi paid in restitution. However, in this case, Dr. Abbasi was not an eager participant in a massive fraud. His role was limited to his position as a landlord.

In this case, Dr. Abbasi served only three months in jail, having been granted the permission and trust to be conditionally release to work ("work release") and that Dr. Abbasi cooperated with the special prosecutor, demonstrates that Dr. Abbasi is a responsible and trustworthy individual whose license should be immediately reinstated.

In this case, the criminal acts resulting in the conviction only took place over a period of approximately five months, and in this case, it is uncontested that Dr. Abbasi cooperated with the Special Prosecutor For Medicaid Fraud Control and that this cooperation was deemed to be valid and legitimate cooperation. Dr. Abbasi worked diligently in his cooperation with the special prosecutor and provided information regarding four people who defrauded the Medicaid system, aiding in the investigation against hem. Although three of the offenders have fled from the special prosecutor, each have been charged and await prosecution upon their return or capture.

Furthermore, Dr. Abbasi played a significant role in the prosecution of Mr. Ahamed, who eventually pled guilty to the charges brought against him, and presumably was excluded from participating in a health

Petitioner concedes that the received minimal amounts of money derived from the fraud in the form of rental payments for the offices he rented to the two doctors who actively participated in the fraud.

tare program. Throughout their preliminary discussions with Dr. Abbasi, the prosecutors believed that Mr. Ahamed had no intention of pleading guilty. In fact, after numerous discussions with Dr. Abbasi, the prosecutors determined that they should use Dr. Abbasi as a witness against Mr. Ahamed. Dr. Abbasi readily agreed to cooperate and testify against Mr. Ahamed. it was only after the special prosecutor obtained substantial information from Dr. Abbasi and Dr. Abbasi agreed to testify, that Mr. Ahamed pleaded guilty to the charges brought against him. While there is not way to tell whether Mr. Ahamed pled guilty because he knew Dr. Abbasi was going to testify against him, or whether he pled guilty out of his own sense of remorse, common sense dictates that Dr. Abbasi's cooperation played some role in Mr. Ahamed's decision.

Any review of the facts and circumstances of this case should begin and end with an understanding that he actions that caused petitioner to be charged with a crime occurred during a four to five month period in 1987-1988 occurred well before petitioner was licensed as a physician and had absolutely nothing to do with his internship or residency or patient care; rather, petitioner was a landlord to two physicians and a radiation technologist who were themselves involved in Medicaid frauds. According to petitioner, he shared in their fraud when he received his rent checks plus a percentage of their business in this position of their landlord.

Petitioner has been punished enough. He penalties already imposed have been severe and have had severe consequences. He was not able to practice medicine for one year and to date he has been prevented from obtaining gainful employment as a physician. His reputation has suffered, and his family has suffered while they are without their only means of support.

Petitioner is now a forty year old board certified physician and family man with no other means of support save his license to practice medicine, who was indirectly involved in a scheme to defraud the Medicaid system in the most minimal way, only as a landlord to the actual wrongdoer physicians, prior to petitioner's receiving his license to practice medicine, who has cooperated with the special prosecutor's office in good faith and aided in a number of investigations. Based upon these and the other aforementioned arguments, petitioner requests that he be immediately reinstated to the licensed practice of medicine.

#### PEER PANEL MEETING

On October 3, 1997 this Peer Panel met to consider the instant petition. Petitioner appeared and was represented by Louis M. Freeman, Esq. The Office of Professional Discipline was represented by Stephen J. Lazzaro, Esq., of the Office of Prosecutions. Gregory C. Schulte, Esq., of the Office of Legal Services, appeared as counsel to the Peer Panel.

Petitioner's appearance and presentation before the instant panel was substantially a reiteration and elaboration upon his previously submitted written petition.

Petitioner who is now forty three years old currently resides in Saudi Arabia and is employed ". . . as a cardiologist at [the] Prince Sultan Cardiac Center. Petitioner testified that during his employment in Saudi Arabia he has attended numerous medical conferences and continuing medical education program (see exhibit "5").

Petitioner testified that he is a member of the American College of Cardiology.

Petitioner, who is a board certified in internal medicine, testified that he plans to become board certified in cardiology. Petitioner testified that he has met all of the ". requirements . . . to take [the] cardiology boards, except [that he doesn't] have [a] licenses

Petitioner testified that in addition to research he has published ". . . three or four abstracts . . . which [are] in world famous journals." In his testimony petitioner acknowledged that he was convicted of a ". . . class D felony" for committing

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fraud and was sentenced to one year in jail and ordered to

pay 75,000 [in] restitution money." Petitioner testified that he has been making regular payments and has, as of the date of the hearing, made approximately \$48,000 to \$50,000 dollars in payments.

Petitioner served approximately three months in jail and served the remainder of his sentence in a Home Release Program. Petitioner testified that during this period he continued his education and completed his fellowship.

In response to questioning from his attorney petitioner testified that he was remorseful for what he had done.

Petitioner testified that he was convicted of medicaid fraud because in addition to rental money he had received "commissions" from several physicians who, while renting office space from petitioner, had perpetrated medicaid fraud.

The "commissions" amounted to a five percent share in the illegally obtained medicaid funds.

Petitioner, who was not a licensed physician at the time of the medicaid fraud, further testified that, although he at first had no knowledge of the medicaid fraud, he continued receiving rent and "commissions" and failed to take any action after becoming aware of the illegal activities of his tenants. In addition to the monetary incentive from the medicaid fraud monies petitioner attributed his actions in failing to take action against the medicaid fraud to his being "busy" and "... not really experienced."

Petitioner testified that if his medical license were

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restored he would " ... prefer to join any hospital ... :

Petitioner testified that he currently reads the American College of Cardiology Journal, the New England Journal of Medicine, the American Heart Association Journal, Lancet and the European Heart Journal.

In a written submission dated June 19, 1996 (see exhibit "4")

Anne F. Saile, Acting Director of the New York State Department of

Health, Office of Professional Medical Conduct, opposed the

instant petition, citing the seriousness of petitioner's criminal

conduct in that petitioner had "... knowingly participated in a

scheme to defraud the medicaid program ..."

opposed the restoration of petitioner's license arguing that, based upon instant record, petitioner had failed to present "compelling" evidence to warrant the return of his medical license. Mr. Lazzaro further questioned the sincerity of petitioner's remorse and rehabilitation in arguing that the "remorse" that petitioner does profess stems from the impact that the loss of his medical license has had upon himself and his family rather than the damage it has done to the profession of medicine, the medicald program and the consuming public.

#### RECOMMENDATION

Professional licensure is a privilege granted to those who agree to adhere to, and abide by, certain statutory and regulatory standards of conduct.

Said standards of conduct are a necessary and essential

ABDUL ABBASI (18845)

element in developing and maintaining the public's trust and confidence in the licensed professional.

Furthermore, through the enforcement of said standards of conduct the Board of Regents of the State of New York and the New York State Education Department are empowered to protect the valid interests and concerns, as well as safeguarding the health and welfare of the consuming public.

The mandate of a peer panel sitting in a restoration proceeding before the Education Department is to determine whether or not, using among other things the generally accepted criteria (where applicable) of remorse, re-education and rehabilitation, petitioner has met the burden of submitting such evidence as would compel (underlining added) the exercise of discretion in his favor, Greenberg v. Board of Regents of University of New York, 176 A.D.2d 1168, 757 N.Y.S.2d 608, 609.

The restoration of a license is intended only to apply to exceptional cases where [the] merit of (petitioner) is clearly established to [the] satisfaction of Board of Regents. Reddick v. Board of Regents University of State of N.Y., 58 Misc. 2d 970, 297 N.Y.S.2D 339.

Restoration of licensure . . . is not [an] absolute right, and may only be granted when (petitioner) has sustained his burden of clearly establishing that he is entitled to such restoration.

Nisnewitz v. Board of Regents of University of State of N.Y., 95

A.D.2d 950, 464 N.Y.S.2d 387.

While petitioner may base his case on the evidence he believes best supports his position, it is not the function of a

by a petitioner, but to weigh and evaluate all of the evidence submitted, and to render a fair determination based upon the record as a whole.

It is, therefore, petitioner's burden to prove his worthiness for restoration.

Accordingly, it is the unanimous finding of the instant peer panel, based upon the record before it, that petitioner has failed to present such evidence which would ". . . compel the exercise of discretion in his favor."

In arriving at this conclusion we have also carefully weighed those relevant factors which have been found by the court to be germane to restoration, i.e. gravity of the offense petitioner's rehabilitation, risk of harm to the public and professional competence. Melone v. New York State Education Department, 182 A.D.2d 875, 581 N.Y.S.2d 894, 895.

The paramount issue before the instant panel is petitioner's current fitness for restoration of licensure.

As to the issue of rehabilitation, the record fails to provide a clear insight as to whether or not petitioner would again engage in the kind of behavior which resulted in his prior record of professional misconduct.

while petitioner testified before this panel that he is remorseful for his involvement in the medicaid fraud schees, we find said testimony contrived and unconvincing. We further find that petitioner's remorse is predicated upon the impact that it had upon himself and his family rather than the impact that it had

petitioner's frequent reference to the "mistake" that he made to be an attempt to downplay or diminish his role in, and responsibility for discaid fraud.

was "too busy" and inex, enced" to be aware of the illegal activities of his tenants, especially in light of his acknowledgment that he received a five percent "kickback" from said activities.

We also take issue with petitioner's written argument that
"...he was not an eager participant in a massive fraud ....
[and] his role was limited to his position as a landlord." Whether or not the fraud was massive or insubstantial is not the issue.

The issue is petitioner's conduct and his willingness to be motivated by greed to participate in a scheme to defraud the medicaid program. The fact that, as petitioner argues, this scheme was not a "massive fraud" was in all likelihood because it was found out prematurely and not because the perpetrators only planned a minor fraud.

whether petitioner accepts it or not he was an active participant to the medicaid fraud and cannot diminish his responsibility by saying that he was only a "landlord", or that he was "too busy", or that he was "inexperienced." Fraud is an intentional act and not, as petitioner would have the instant panel believe, the result of an oversight or neglect.

We also find petitioner's written argument that because his jail time was reduced and that he was permitted to be in a work

trustworthy individual whose license should be immediately reinstated to be preposterous on its face. To equate a convicted felon's participation in a work release program with the requirements for licensure as a physician shows a monumental lack of understanding as to the seriousness of petitioner's criminal conduct and the standard of conduct required of one licensed as a physician in the State of New York.

Additionally, we find persuasive, and concur with the concerns and arguments presented by Mr. Lazzaro and Ms. Saile in their opposition to the instant petition.

restoration of licensure to present evidence which would compel a sitting peer panel to find in petitioner's behalf. Overall, we find the instant petition for restoration seriously deficient. We find this particularly troubling in light of the serious nature of petitioner's adjudicated offenses. It is the unanimous opinion of the instant panel that petitioner has made only the most perfunctory of efforts in seeking restoration and that in the particular areas of remorse and rehabilitation said petition is particularly inadequate.

Therefore, and for the above reasons, we unanimously recommend to the Board of Regents that the instant petition for restoration of licensure to practice as a physician in the State of New York be denied.

Respectfully submitted.

RAFAEL LOPEZ, M.D.,

Chairperson

JOHN G. BOYCE, M.D.

JOHN W.V. CORDICE, JR., M.D.

Chairperson

Dated